

2018 Sep-12 AM 11:52
U.S. DISTRICT COURT
N.D. OF ALABAMA

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ALABAMA

MIDDLE DIVISION

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Case No.: 4:18-cv-1223-MHH-TMP

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This action is before the Court on the respondent's August 27, 2018 motion

to dismiss. (Doc. 4). On August 3, 2018, Mr. Binh filed a petition for writ of

habeas corpus seeking his release from custody. (Doc. 1). In its motion, the

respondent contends that the Court should dismiss Mr. Binh's § 2241 habeas

petition because United States Immigration and Customs Enforcement released

Mr. Binh on August 22, 2018. (Doc. 4-1, Pitman Decl.).

Because Mr. Binh has been released on an order of supervision, his petition

seeking that very relief is moot. *See Nyaga v. Ashcroft*, 323 F.3d 906, 913 (11th

Cir. 2003) (“[A] case must be dismissed as moot if the court can no longer provide

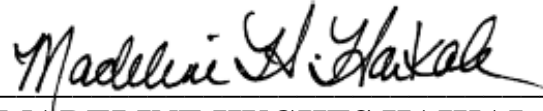
‘meaningful relief.’”); *see also* *Spencer v. Kemna*, 523 U.S. 1, 8 (1998) (once a

habeas petitioner is released from custody, he must demonstrate collateral

consequences to avoid mootness doctrine). Accordingly, by separate order, the

Court will dismiss this matter. *Khader v. Holder*, 843 F. Supp. 2d 1202 (N.D. Ala. 2011).

DONE this 12th day of September, 2018.

A handwritten signature in black ink, reading "Madeline H. Haikala". The signature is written in a cursive, flowing style. The first name "Madeline" is written in a larger, more prominent script, followed by "H." and "Haikala". The signature is positioned above a horizontal line.

MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE